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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,007	11/28/2001	Satoru Maeda	450101-03636	2639
20999	7590	05/03/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER O'STEEN, DAVID R	
			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/996,007	MAEDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David R. O'Steen	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2-17-06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2,4 and 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Note to Applicant***

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

***Election/Restrictions***

Applicant's election with traverse of claims 1, 3, 5-10, and 15-19 in the reply filed on February 17, 2006 is acknowledged. The traversal is on the ground(s) that the Examiner identified species based on displays of program guides while the claims are directed towards an information processing apparatus, method, and recording medium. This is not found persuasive because the displays in the figures show features of distinct species.

Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 809.02(a).

The requirement is still deemed proper and is therefore made FINAL.

***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
The signatures of the inventors have been omitted.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Klosterman (US 6,072,983).

As regards Claims 7,9 and 10, Klosterman discloses an information processing apparatus and corresponding method and computer readable medium comprising:  
acquisition means for acquiring data of an electronic program guide (col. 3, lines 4-9);  
first retrieval means (fig. 1B.28) for retrieving a program aired within a preset time as from the current time (such as retrieving program data from a DBS system), based on the electronic program guide data acquired by said acquisition means (col. 4, lines 55-64); second retrieval means (fig. 1B.26 or fig. 1B.30) for retrieving the program aired at the current time (such as retrieving program data from cable or another source), from the electronic program guide data acquired by the acquisition means (cols.4 and 5, lines 66-67 and 1-4); selection means (such as using a remote to navigate an EPG, fig 1A.32) for selecting one of retrieval by said first retrieval means and retrieval by said second retrieval means (by using the remote to select a program through the program

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guide, the program coordinator chooses the retrieval means [IRD or cable box] from which to retrieve the program, col. 8, lines 5-13); and electronic program guide display controlling means for controlling the display of said electronic program guide (such as tuning to a cable channel or tuning to a satellite channel) based on retrieved results by said first retrieved results by said first retrieval means or retrieved results by said second retrieval means as selected by said selection means (by the user using the remote, col. 8, lines 3-11).

As regards Claim 8, Klosterman further discloses designating means (such as using the remote, 1A.32, to move between different channels, times, or shows, to select) for designating a program to be received (such as selecting, from a program guide, a channel to which to tune) based on said electronic program guide controlled as to display by said electronic program guide display controlling means (col. 8, lines 5-11).

Claims 15, 16, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Klosterman (US 5,940,073).

As regards Claims 15, 18, and 19. Klosterman discloses an information processing apparatus and corresponding method and computer readable medium comprising: web information acquisition means (such as through a web-browser box) for acquiring data of the web information (col. 4, lines 48-56); program information acquisition means for acquiring data of the program information being television broadcast (such as through a satellite or cable link) (col. 4, lines 48-56); information display controlling means for controlling simultaneous display of said web information

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and the program information based on the data of the web information acquired by said web information acquisition means (fig. 6d and col. 9, lines 54-67); and changing means for changing said program information to be acquired (col. 10, lines 9-14); in a state in which said web information and the program information are displayed simultaneously (fig. 6d and col. 9, lines 54-67).

As regards Claim 16, Klosterman further discloses that changing means changes a broadcasting channel being received as said program information (col. 10, lines 9-14).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson (US 2005/0204387) in view of Nakazawa (US 5,299,010).

As regards Claims 1,3, 5, and 6, Knudson discloses an information processing apparatus comprising: acquisition means for acquiring data of an electronic program guide (such as through the internet, paragraph 111, lines 1-4); electronic program guide display controlling means (such as a device capable of displaying a and EPG, fig. 1.17) for controlling the display of said electronic program guide based on data of said electronic program guide acquired by said acquisition means (such as fig. 10); and

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selection means (such as a remote control 3.40) for selecting a preset program based on said electronic program guide controlled as to display by said electronic program guide display controlling means (paragraph 98, lines 1-14); but fails to disclose verifying means for verifying whether or not said program selected by said selecting means is a program of a channel that is receivable; and output information controlling means for controlling the information output for having the viewer recognize that, if the program selected by said selection means is verified as not being a program of a channel that is receivable, said program is not receivable. Nakazawa discloses verifying means for verifying whether or not said program selected by said selecting means is a program of a channel that is receivable; and output information controlling means for controlling the information output for having the viewer recognize that, if the program selected by said selection means is verified as not being a program of a channel that is receivable, said program is not receivable (such as by labeling receivable channels one color, red, and not receivable channels another, white, col. 5, lines 16-52).

Knudson and Nakazawa are analogous art because they both are from the same field of endeavor, the field electronic channel guides.

At the time of invention it would have been obvious for one skilled in the art to add the verifying means for verifying whether or not said program selected by said selecting means is a program of a channel that is receivable, as in Nakazawa, to the interactive program guide system of Knudson, so as to make it easier on the user to identify which programs are not receivable in a broadcast consisting, possibly, of hundreds of channels.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (US 5,940,073) in view of Klosterman (US 6,072,983).

As regards Claim 17, Klosterman '073 discloses the information processing apparatus of Claim 15, but fails to disclose that said changing means erases a broadcasting channel being received as said program information. Klosterman '983 does disclose that said changing means erases a broadcasting channel being received as said program information (col. 7, lines 25-34).

Klosterman '073 and Klosterman '983 are analogous art because they both are from the same field of endeavor, the field electronic channel guides.

At the time of invention it would have been obvious for one skilled in the art to add erasing a broadcasting channel being received as said program information, as in Klosterman '983, to the interactive program guide system of Klosterman '073, so as to allow the user to remove clutter from the electronic program guide.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRO



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